

## R E M A R K S

### ***I. Status of the Claims***

Claims 1-7, 9-12, 16-18, and 21-25 are currently pending.

Claims 1, 4, 7, 9-12, 16, 18, and 21-22 have been amended.

Claims 8, 13-15, 19 and 20 have been canceled.

Claims 24-25 have been added.

No new matter has been added.

Attached hereto is a marked-up version of the changes made to the claims by the current amendments to comply with 37 C.F.R. § 1.121. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

### ***II. The Objection under 37 CFR 1.75(c) Should be Withdrawn***

Claims 4 – 15 and 19 – 23 have been objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. The claims have been amended to eliminate all multiple dependencies. Withdrawal of the objection is respectfully requested.

### ***III. The Rejection under 35 U.S.C. § 112 Should be Withdrawn***

Claims 1 - 23 have been rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9, 16 and 19 have been amended to delete the objectionable phrase "or the like."

In addition, Claim 5 has been amended to eliminate the recitation of both a broad term and a preferred specific term.

Claim 2-4, 6-8, 1-15, 17-18 and 20-23 have been rejected as being dependent upon rejected base claims. This rejection is moot in view of the amendments made herein to base claims.

In light of the above amendments, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, 2nd paragraph, are respectfully requested.

***IV. The Rejection under Section 102(b) Should be Withdrawn***

Claims 1 – 3 and 16 – 18 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent No. 994,816 to Cahill. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1 and 16 have been amended to incorporate the subject matter of claims 8 and 19, respectively: i.e., each of claims 1 and 16 now calls for a vertically extending guide element mounted on the box-shaped element and extending above the upper surface of such element for, during use, functioning as a guide for plants growing in the box-shaped element. No such vertically extending guide element is disclosed, or even suggested, by the Cahill '816 patent. Accordingly, the Cahill '816 patent does not

anticipate either base claim 1 or base claim 16 or any of their respective dependent claims.

***V. Conclusion***

In view of the foregoing, the applicant respectfully submits that all claims are in condition for allowance. The Examiner is invited to contact the undersigned to expedite the prosecution of this application if any issues remain outstanding.

***VII. Request for An Extension of Time***

Applicants requests a three-month extension of time for response to the Office Action and has submitted herewith the required fee of \$930.00. Applicant does not believe that any additional fees are required for this communication. However, the Commissioner is hereby authorized to charge the payment of any additional fees required in connection with this communication, including any extension fees, to our Deposit Account No. 02-4377.

Respectfully submitted,

Dated: July 22, 2002



Richard G. Berkley  
Patent Office Reg. No. 25,465

BAKER BOTTS L.L.P.  
30 Rockefeller Plaza  
New York, New York 10112-0228  
Attorneys for Applicant  
(212) 408-2500

**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Claims:**

Claims 1, 4-7, 9-12, 16, 18, and 21-23 have been amended as follows:

-- 1. (Amended) A method for manufacturing a plant support, wherein a box-shaped element is manufactured having an at least partially open wall and an upper surface, the box-shaped element being at least partially covered with a [preferably] substantially biodegradable covering material, said covering material being provided in such a manner that it at least partially covers the partially open wall [at least partially,] and such that the wall [becomes] is soil-proof[, while] but roots of a plant [or the like], growing in the [pot] box-shaped element during use, can grow at least partially through the covering material and the wall to the outside of the plant support, [characterized in that as covering material a material is manufactured from biodegradable material.]; and wherein a substantially vertically extending guide element is mounted on the box-shaped element, said guide element extending above the upper surface of the box-shaped element and, during use, functioning as a guide for a plant or plants growing in the box-shaped element.

-- 4. (Amended) A method according to claim 1 [any one of the preceding claims], wherein [as] said covering material[, a material] is manufactured from [natural materials, in particular from] at least natural fibers and a binding agent.

-- 5. (Amended) A method according to claim 1 [4], wherein [a] the covering material is [used] substantially built up from coco fibers and a latex binding agent[, in particular latex].

-- 6. (Amended) A method according to claim 1 [any one of the preceding claims], wherein [from] the covering material[,] comprises a sheet-shaped element [is taken] which is folded into a covering of the box-shaped element.

-- 7. (Amended) A method according to claim 1 [any one of the preceding claims], wherein the covering material is [secured in] woven into the wall of the box-shaped element[, in particular woven therein].

-- 9. (Amended) A method for cultivating plants [and the like], utilizing a plant support manufactured by a method [according to any one of the preceding claims,] wherein a box-shaped element is manufactured having an at least partially open wall and an upper surface, the box-shaped element being at least partially covered with a substantially biodegradable covering material, said covering material being provided in such a manner that it at least partially covers the partially open wall and such that the wall is soil-proof but roots of a plant, growing in the box-shaped element during use, can grow at least partially through the covering material and the wall to the outside of the plant support, and wherein a substantially vertically extending guide element is mounted on the box-shaped element, said guide element extending above the upper surface of the box-shaped element and, during use, functioning as a guide for a plant or plants growing in the box-shaped element; and wherein the box shaped element is substantially disposed above the ground, such that the outer side of at least a longitudinal wall thereof is free,

whereupon the box-shaped element is filled with soil and at least one plant [or the like] is planted therein, whereupon [the or] each plant is treated such that root growth occurs, at least partly extending [also] through the covering material, such that the ends of a number of roots are located approximately in the outer face of the wall, [while] and after sufficient growth of the plant, the [plant support] box-shaped element with [the or] each plant is picked up and moved to another position.

10. (Amended) A method according to claim 9, wherein the [plant support] box-shaped element in said other position is secured in or to ground.

11. (Amended) A method according to claim 10, wherein the [plant support] box-shaped element is dug in [in] the ground, such that roots of [the or] each plant grow outside through the plant support, into the ground, and provide for anchoring and nutrition..

12. (Amended) A method according to claim 10, wherein the [plant support] box-shaped element is placed on the ground, such that roots of [the or] each plant can grow through a bottom of the plant support into the ground, for anchoring and nutrition.

--16. (Amended) A plant support, comprising a box-shaped element having an at least partially open wall and an upper surface, said wall being substantially covered with a biodegradable covering material selected so that roots of a plant [or the like] placed in the [plant support] box-shaped element can grow through the covering material to the outside of the box-shaped element while soil poured into the box-shaped

element substantially cannot pass through the covering material, [characterized in that as covering material a material is used manufactured from biodegradable material.]; and wherein a guide element is provided which, during use, extends substantially vertically above the upper surface of the box-shaped element and is connected to the box-shaped element, for guiding plants to be grown in the box-shaped element.

18. (Amended) A plant support according to claim 16 [or 17], wherein the box-shaped element is covered with the covering material substantially on the inside, said covering material being [in particular] composed from substantially natural fibers and a binding agent and having a relatively open structure.

-- 21. (Amended) A plant support according to claim 16 [19 or 20], wherein the box-shaped element and the guide element are manufactured in one piece[, preferably] from mesh-shaped material [such as woven wire metal].

-- 22. (Amended) A plant support according to claim 16 [any one of claims 16 – 20], wherein the plant support is of demountable, or at least modular design.

-- 23. (Amended) A plant support according to claim 22, [comprising a] wherein the guide element, [wherein at least one box-shaped element is provided which, by means of fasteners,] is detachably mountable [against the guide element,] adjacent the bottom [side] thereof to the box-shaped element.

Claims 8, 13-15, 19, and 20 have been canceled.

New Claims 24 and 25 have been added.